



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

033

REPLY TO THE ATTENTION OF

January 5, 1995

VIA FAX THEN
U.S. MAIL

EPA Region 5 Records Ctr.



246190

Joseph G. Nassif
Coburn & Croft
Suite 2900
One Mercantile Center
Saint Louis, Missouri 63101
FAX (314) 621-2989

RE: Standard Scrap Metal/Chicago International Exporting
Site, Chicago, Illinois

Dear Mr. Nasif:

This letter responds to your letter to Mr. Brian Havey dated January 3, 1995, and, in an effort to cooperate with the site owners/operators, this letter identifies steps which need to be taken by the site owners/operators so that EPA may continue with its removal action at the above referenced site.

First, as I indicated to you after the hearing on December 19, 1994, EPA will consider treatment or disposal options proposed by the defendants. However, as I indicated earlier, any such option must comply with appropriate regulations, as set forth in the Unilateral Administrative Order dated September 14, 1994. Specifically, any off-site shipments of hazardous substances, pollutants, or contaminants, including the contaminated "copper fines" material, must comply with 40 C.F.R Part 300.440, 58 Fed. Reg. 49215 (Sept. 22, 1993) ("Off-site Policy").

In order to determine whether any proposed treatment/disposal option complies with the Off-site Policy, defendants must submit to EPA an evaluation of the criteria set forth at Part 300.440(b) as it relates to the proposed off-site facility and "copper fines" material. That evaluation must be submitted to Steven Faryan, U.S. EPA, HSE-5J, 77 West Jackson Blvd., Chicago, Illinois 60604 by no later than January 20, 1994.

Also, at the time of the hearing on December 19, 1994, EPA was in the process of determining whether any facility could meet the criteria set forth at Part 300.440(b) and could accept the "copper fines" material, since EPA initially intended to have the

"copper fines" material treated and recycled. As you stated in your letter to Mr. Havey dated January 3, 1995, EPA prefers to recycle contaminated material when appropriate. Unfortunately, after reviewing several facilities normally used by EPA for such treatment, no such facility was able to accept the "copper fines" material due material's type and nature. Therefore, unless an acceptable facility, as determined by EPA, is proposed by the site owners/operators under 40 C.F.R. Part 300.440, EPA will remove the "copper fines" material and arrange for appropriate disposal at an approved RCRA hazardous waste disposal facility.

Second, Steven Faryan, EPA's On-scene Coordinator for the above referenced site, indicated to me that on several occasions his requests to the site owners/operators have not been granted regarding certain actions necessary for EPA to implement the on-going removal action. As you probably know, EPA is currently excavating material in the northwest portion of the east lot and will move across the yard in a southerly direction by excavating approximately 2-3 feet of contaminated soil from the site. (I will forward to you a Workplan early next week which will detail EPA's removal action.) In order to efficiently and economically complete the removal action, it is necessary that the scrap metal operations be relocated within the east lot in manner which will not interfere with EPA's removal action.

In an effort to cooperate with the site owners/operators in conducting the removal action, including coordinating the above mentioned relocation, EPA would like to meet with the owners/operators before January 25, 1995, at EPA's offices. Please notify me as soon as possible regarding their availability for such a meeting.

Finally, I have enclosed a recently issued Notice of Violation for violations of the Clean Air Act at the facility. The notice was sent to the respondents identified therein and is dated December 16, 1994. As a reminder, EPA has received no response regarding that notice from the respondents.

Thank you in advance for your cooperation in these matters.

If you have any questions, please do not hesitate to call me at (312) 886-6831.

Sincerely,



Kurt N. Lindland
Assistant Regional Counsel

Enclosure

cc: Brian Havey, U.S. Attorney's Office
Northern District of Illinois

Caroline Shining
Three First National Plaza
Suite 1960
Chicago, Illinois 60603
FAX (312) 251-0026